

# WHAT CLIENTS HATE!

By Edward Poll

Clients call lawyers when they have a problem. Business questions, a death in the family, a divorce, an accident, a bankruptcy—all are potential stress producers, and the last thing clients want is more stress or irritation because of their dealings with their attorneys. Lawyers need to find ways to eliminate the unnecessary irritants that really send clients up a wall.

Here are some of the most common complaints that clients have about lawyers plus suggestions for avoiding or mitigating them:

## Poor Responsiveness

Failure to return phone calls is the most often-made complaint by clients. How quickly do you return phone calls and respond to letters or faxes?

**THE CURE:** The main reasons lawyers fail to return telephone calls—the lawyer is out of the office, in trial or doing research on another matter—are usually valid, but that's not a good excuse. Clients want to be assured that their matter is being dealt with. They don't want to feel ignored. They want answers, and they want them NOW. Returning phone calls should be considered a top priority activity. If you are unable to respond personally, have a secretary, paralegal, or other lawyer ready to step in. The response may be nothing more elaborate than saying that you are presently unavailable and will return the call or letter by a certain time or date. Even better is making a telephone call appointment for a more convenient time.

Another reason for clients' unhappiness, particularly applicable to faxes and letters, is that they expect immediate replies because of the proliferation of modern technological tools. Fax machines and overnight delivery services make instant communication possible. But that doesn't make it desirable. In

order to avoid a misunderstanding about the timeliness of written replies, the attorney must tell the client at the very first meeting what the response policy is.

## Talking To a Machine Instead of a Person

Voice mail irritates a lot of people because they feel helpless. When a client "reaches out and touches" a technological robot without a human face, the stress level goes up. The loss of human contact equals a loss of power, and a loss of power is an irritant for the client.

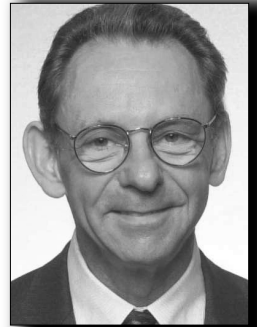
**THE CURE:** Voice mail can be a good tool, but not when the client feels trapped by it. Make sure that a receptionist, telephone operator or secretary—a real person—answers the phone for the initial call to the firm. If you're available, you can take the call. If you're not available, then the same person gives the caller the option of leaving a voice mail message or a message with the operator. Clients are empowered by dealing with human beings, not an electronic system.

## Not Knowing What's Going On

Clients want to know what's happening with their matter. Even though the lawyer might be doing a great job with documents, the court or the opposing party, if the client doesn't know that, then there's bound to be a problem, usually at fee-paying time.

**THE CURE:** Clients appreciate communication; the more, the better. Show your clients that you're doing your job by sending them copies of documents or by writing or calling them. "Paper" the client. Keep clients informed and tell them what's happening at every step of the process.

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### Runaway Lawyering

This is a term that clients like to use to describe overworking the project for the lawyer's protection. It's a form of overkill that isn't necessarily needed or is unrelated to the merits of a particular matter. Yes, things need to be done correctly and completely, but, as in the rest of life, results need to be balanced with the effort and expense of achieving them.

**THE CURE:** Bring the client in as part of the lawyering team to participate in the decision-making process. If the client is involved and understands the options and likelihood of reaching an expected outcome, then it's hard for them to perceive that there's runaway lawyering going on.

### Unnecessary Costs

Using Federal Express or messengers when the U.S. mail will do—clients hate paying for unnecessary service or for service that they feel provides no value. This open-checkbook problem is most often an issue with an open-ended fee arrangement. The client is basically saying: "If you're going to run up the cost on your time (i.e., on a fixed fee or other sum-certain basis), then I don't care. But if you're spending my money on my time, then I do care."

**THE CURE:** Lawyers need to be very sensitive to costs that are passed on to the client. The test for extraneous costs goes like this: If you were paying for it out of your pocket, would you do it? Since unnecessary costs frequently occur because of attorney procrastination, one way to avoid the problem is simple: Do the work in a timely fashion. That way, you won't have to use rush services.

Also, since the size of a lawyer's bill is not as important as the client's belief in the value received, much of the perception of unneeded costs can be remedied with adequate communication. If the client understands what is being done on their matter because the lawyer is regularly communicating the details, then he or she can't be surprised by a bill for service. Clients, like bankers, hate surprises, especially when they end up paying for them.

### Lack of Innovation

Because they are risk-averse and tend to be conservative, lawyers have a reputation for being reactive—for being "Mr./Ms. No." But clients usually want someone

to suggest ways to make something happen, rather than a list of reasons of why it can't. If lawyers are merely reactive, the client may believe that the attorney is only a technician, and a technician is a commodity who can be easily replaced based on pricing, among other factors.

**THE CURE:** Clients are looking for lawyers who will help them stay out of trouble or achieve their objectives. That's why they appreciate advice that offers aggressive and creative approaches to problems. This is called being proactive, and it creates a strong bond between the client and lawyer.

To become more proactive, learn the business of the client. You should have enough knowledge to have an opinion and say: "If you do this, I think that will happen." Clients will always need to make the final decision, but they want to know what you think. Since the client is asking for the best knowledge available to the attorney or firm, lawyers need to learn as much as possible about their clients so they can come up with new ways of doing things. By developing this hands-on knowledge, you will become the attorney of choice.

### Paying for Lawyer Education

Although typically of greater concern to larger firms, this subject is a potential problem for any multi-person law practice. Traditionally, lawyers have been billed out on an hourly basis, and clients who receive bills showing how many hours a matter has been worked may feel abused if they feel that they're paying the cost of training associates, or if a more-experienced lawyer could have handled the matter in substantially less time. No client wants to pay for the education of lower-level lawyers on their matter, and they frequently feel ripped-off.

**THE CURE:** Delegating work down the ladder is an important economic rule, but lawyers must be very sensitive to this issue. One barometer that any attorney can use is this: If the lawyer had a fixed-fee arrangement, would he or she have a younger, less-trained associate handle the matter, and would he or she absorb the cost of that training? If the answer is yes, then the client would probably not object. But if the answer is no, the client undoubtedly would object, as should the lawyer.

Again, it's best to make this subject clear at the outset. Communicate with the client as to who's going to han-

dle the matter, what their level of expertise is and what they're billing rate is. Any potential problems would arise at this point. If the billing is on a fixed or sum-certain basis, clients shouldn't object to delegating as long as the work is done correctly.

### **Vague, Confusing and Incomplete Bills**

A bill that only says: "For legal services rendered" is an incomplete bill. Clients want to know what the lawyer has done for them. They want to know what they're being charged for and what the successes (or failures) have been. Bills that are inaccurate, vague or confusing are sources of irritation to clients.

**THE CURE:** Start in the initial client meeting by explaining what and how you are going to bill. Then explain the billing process again, in writing, in the letter of engagement. Be complete in your billing statements. Use action verbs to describe your services. Clearly indicate what transpired, what was researched, who did what, when and what was accomplished. You want clients to have an appreciation of the effort expended and the successes achieved on their behalf.

Remember, too, that the billing statement is a very important and inexpensive marketing tool for attorneys.

### **In Sum**

Think about what you would want if you were a client. A good trial lawyer tries to put himself or herself in the role of a juror or a judge to mold the display of evidence. Likewise, all lawyers should put themselves in the role of clients and act accordingly. Success will likely follow those who do.

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### QUESTIONS: WHAT CLIENTS HATE! TRUE OR FALSE (CIRCLE ONE):



1. Clients often complain that their attorneys do not return their telephone calls.

True False

2. Returning client telephone calls should not be a top priority for attorneys.

True False

3. If an attorney cannot return a client telephone call personally, the attorney should have an office staff person return the call.

True False

4. Attorneys should respond instantly to fax and e-mail communications from clients.

True False

5. Attorneys should not discuss the timeliness of their written replies with their clients.

True False

6. Having to leave voice mails with their attorneys irritates clients.

True False

7. Attorneys should have clients use the attorney's voice mail as frequently as possible.

True False

8. Clients feel empowered when speaking to, and dealing with, real people in the attorney's office.

True False

9. Lawyers need to be sensitive to representational costs that are passed on to clients.

True False

10. A client's perception of unneeded/overpriced costs can often be remedied with adequate communication between attorney and client.

True False

11. Attorney procrastination can raise client costs.

True False

12. Clients are most satisfied with attorneys who are reactive, not proactive.

True False

13. One way for an attorney to become more proactive is to learn about the business of his or her client.

True False

14. Attorneys should attempt to delegate work to less experienced associates in their offices.

True False

15. Where a managing attorney does delegate work to a less experienced associate, the managing attorney should always charge the client for the associate's "training time."

True False

16. One barometer an attorney can use to determine whether to charge a client for an associate's training time is to determine whether the attorney would or would not personally absorb the cost of the associate's training time if that attorney were billing the client on a flat/fixed fee basis.

True False

17. The best way to approach the issue of delegation of legal work is to discuss the issue with the client.

True False

18. Attorneys should be accurate and clear in their billings to clients.

True False

19. An attorney's bill that says only "For Legal Services Rendered" is a complete bill.

True False

20. When considering what clients want from an attorney, attorneys should think about what they would want if they were a client.

True False